

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NETRATINGS, INC.,)
)
Plaintiff,)
)
v.) Civil Action No. 05-314 GMS
)
COREMETRICS, INC.,)
)
Defendant.)

ORDER

WHEREAS, on May 19, 2005, the plaintiff, NetRatings, Inc. filed the above-captioned patent infringement action against Coremetrics, Inc.;

WHEREAS, on April 3, 2006, the parties submitted a Joint Claim Chart (the "Chart") (D.I. 47);

WHEREAS, upon inspection of the Chart, the court has discovered that many of the defendant's proposed constructions for U.S. Patent No. 6,108,637 are not constructions but, instead, arguments that the claim limitations at issue are indefinite, nonenabled, and/or invalid for failure to disclose the best mode; and

WHEREAS, the court will not permit summary judgment arguments, including indefiniteness, enablement, or invalidity arguments, during the claim construction phase of the litigation but, rather, rely on the defendant's claim construction briefs for those arguments;

IT IS HEREBY ORDERED that:

1. The court will not entertain indefiniteness, enablement, or invalidity arguments during the *Markman* Claim Construction hearing.
2. The defendants shall prepare their arguments consistent with this Order.

Dated: June 7, 2006

/s/ Gregory M. Sleet
UNITED STATES DISTRICT JUDGE